	ESTABLISHMENT OF A DRIVING WHILE IMPAIRED COURT	LOCAL ADMINISTRATIVE ORDER C36 2017- 02J D07 2017- 03J
		RESCINDS: n/a

Court Address
212 E. Paw Paw Street, Paw Paw, MI 49079

Court Telephone No.
(269) 657-8200

**ORDER FOR THE ESTABLISHMENT OF A DRIVING WHILE IMPAIRED
TREATMENT COURT PROGRAM**

IT IS ORDERED:

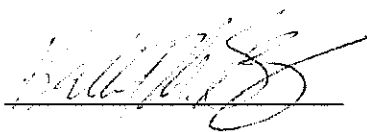
This administrative order is issued in accordance with MCL 600.1060 et seq. The purpose of this order is to establish a driving while impaired treatment court in [insert court number and court type] upon approval by the State Court Administrative Office (SCAO). All policies and procedures comply with the statute and are consistent with the 10 Guiding Principles for DWI Courts promulgated by the National Drug Court Institute, a division of the National Association of Drug Court Professionals (see attachment A).

1. The court has entered into a Memorandum of Understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, a representative of community treatment providers and other key parties pursuant to MCL 600.1062. The Memorandum of Understanding shall describe the role of each party. The Memorandum of Understanding is attached.
2. The court has established eligibility criteria consistent with MCL 600.1064 and 600.1068.
3. In compliance with MCL 600.1064(3), no participant shall be admitted until a complete preadmission screening and substance abuse assessment are completed.
4. All participants shall sign a voluntary written consent to participate in the program in conformance with MCL 600.1068(1)d.
5. The court shall maintain case files in compliance with Trial Court General Schedule 16, the Michigan Case File Management Standards, and Part 2 of Title 42 of the Code of Federal Regulations to assure confidentiality of DWI court records.
6. The court has established, as part of its program requirements, procedures to assure compliance with MCL 600.1072 and 600.1074.
7. Pursuant to MCL 600.1078, the court shall provide the SCAO with the minimum standard data established by the SCAO for each individual applicant and participant of the DWI court program.

8. The court shall use the Drug Court Case Management Information System (DCCMIS) to maintain and submit the minimum standard data as determined by the SCAO while receiving grant money from the SCAO.

Effective Date: 3-3-17

Date: 3/3/17

Chief Judge Signature: 

ATTACHMENT A

The 10 Guiding Principles of DWI Courts

Guiding Principle #1 – Target the Population

Guiding Principle #2 – Perform a Clinical Assessment

Guiding Principle #3 – Develop the Treatment Plan

Guiding Principle #4 – Supervise the Offender

Guiding Principle #5 – Forge Agency, Organization, and Community Partnerships

Guiding Principle #6 – Take a Judicial Leadership Role

Guiding Principle #7 – Develop Case Management Strategies

Guiding Principle #8 – Address Transportation Issues

Guiding Principle #9 – Evaluate the Program

Guiding Principle #10 – Create a Sustainable Program

VAN BUREN COUNTY, MICHIGAN OWI TREATMENT COURT MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into between the Van Buren County Unified Trial Court, the Van Buren County Prosecutor's Office, the Van Buren Defense Bar, the Van Buren County Sheriff's Department, the Michigan Department of Corrections, and Van Buren Community Mental Health.

LET IT BE KNOWN, THAT:

It is recognized that the cycle of substance use and impaired driving can only be effectively broken with a commitment to targeted prevention, appropriate intervention and practical treatment, all which requires a multi-disciplinary approach and the participation of law enforcement, judicial and treatment organizations.

THEREFORE,

As a team, we agree to support and implement the 10 Guiding Principles of DWI Courts, as established by the National Association of Drug Court Professionals and the National Drug Court Institute. We also agree to collaborate in a unified approach, to the establishment and continuation of an OWI Treatment Court, the goal of which is to provide a comprehensive, expedited and coordinated judicial response to repeat impaired drivers, increase community safety through efficient and effective community treatment and monitoring and reduce recidivism for previous OWI offenders through treatment and recovery services.

OWI Treatment Court Coordinating Committee:

A committee will be established and charged with setting general policies for, and acting as an oversight committee of, the OWI Treatment Court, insuring that the needs of the community are met.

The committee shall be known as the Coordinating Committee and shall be comprised of one representative of each signatory. Additional members may be added as determined by the Committee.

To implement this vision, each of us make the following commitments on behalf of our organization:

Collectively:

Adherence to standards set forth in the federal and state constitutions, laws and regulations;
Adherence to nationally recognized components, best practices and strategies;

Adherence to the Ten Guiding Principles of OWI/DWI Court;
Attendance at appropriate conferences and training;
Commitment to a treatment-based rehabilitation process; and
Support the program with help in providing necessary data and reports.

Van Buren County Unified Trial Court:

The Court will serve as the lead agency in the administration and functioning of the OWI Treatment Court. The court will provide a judge to preside over the OWI Court. The Court will provide an administrator for the program and necessary program managers and support personnel.

While maintaining the integrity of the court and insuring it's core function, the Judge will monitor participants and insure the appropriate and consistent application of incentives and sanctions. Additionally, the Judge will represent the OWI Treatment Court in the community, and facilitate a cooperative and respectful atmosphere for team members and participants.

The Specialty Courts Administrator will insure the proper and smooth functioning of the Court. The Administrator will facilitate inter-agency coordination and assist in representing the program to the community to achieve sustainability.

7th District Court Probation will supervise program participants who are placed probation due to a misdemeanor offense and seek and refer probationers who may be eligible for program services as a term of sentencing or as a result of a probation violation.

Office of the Prosecuting Attorney:

The Prosecutor, or designated assistant, will provide initial screening and determine whether the accused meets eligibility requirements for program entry, and inform the OWI Court accordingly.

The Prosecutor, or designated assistant, interfaces with the Court, Defense Counsel and other agencies to ensure appropriate referral and compliance with the program. The Prosecutor, or designated assistant, will participate in staffing sessions, attend court proceedings and team meetings, serve as a resource to the Court and assist in representing the program to the community.

Van Buren County Defense Bar:

The Van Buren County defense bar is cognizant of a participant's legal rights, and with that knowledge, advocates for the participant's best interests in the framework of the OWI Treatment Court model.

The attorneys representing the defense bar will furnish representation to participants at regular OWI court functions, will participate in staffing sessions, attend court proceedings and team meetings and serve as a resource to the Court. The attorneys representing the defense bar will encourage OWI Treatment Court participation by clients, when it appears to be in the client's best interest.

Michigan Department of Corrections:

The Michigan Department of Corrections located in Van Buren County will provide staff to supervise offenders ordered into the program as a condition of probation.

The Departments will also assist the Court in processing offenders through the various stages of the program, including attendance at staffing sessions, court proceedings and team meetings.

Van Buren County Sheriff's Department:

The Van Buren County Sheriff's Department will be responsible for aiding in the early identification of in-custody defendants who may be eligible for the program, screen for SCRAM eligibility, attempt to locate and apprehend enrolled participants with outstanding warrants, attend team meetings, and provide jail access to program staff to complete the referral and assessment procedures.

Van Buren Community Mental Health:

The Van Buren Community Mental Health Agency will be responsible for providing treatment services for participants, including assessments at the entry of the program, individual and group treatment throughout the program stages, concluding at the point of program discharge. This agency commits themselves to the success and health of the participants and the program by providing quality, evidence-based treatment practices, and by attending staffing sessions, court proceedings, team meetings and ongoing training when available. VBCMH also commits to providing data and information that will assist the court in planning and evaluation.

As grants are secured, Van Buren Community Mental Health agrees to provide ancillary services as needed.

Terms of Agreement

This memorandum of understanding is effective as of the dates indicated by the undersigned and shall be subject to further negotiation and revision as required to support the needs to the OWI treatment court program.

Fiscal Terms

This memorandum of understanding does not involve an exchange of funds.

Terms and Conditions

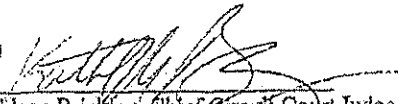
All terms and conditions of this agreement are subject to the continuation of OWI treatment court funding.


Termination of Memorandum of Understanding


Upon mutual consent of all parties, this memorandum of understanding is subject to further negotiation and revision as required to support the needs of the OWI treatment court program. Any changes shall be in writing and signed by all parties herein or their duly appointed representatives authorized to act on their behalf. This memorandum of understanding may be terminated by any party for any reason by giving a 30-calendar day written notice.

Review of the Memorandum of Understanding


This memorandum of understanding will be reviewed on a yearly basis by the Van Buren County OWI treatment court team and revised as necessary upon mutual agreement of all parties.


2/28/17 
Kathleen Brickley, Chief Circuit Court Judge
Van Buren County Unified Trial Court


 3-2-17
Michael Bedford, Prosecuting Attorney
Van Buren County



Adam Bancroft, Attorney At Law
Representing the Van Buren County Defense Bar


Dan Abbott, Sheriff
Van Buren County Sheriff's Dept.


Director Heidi E. Washington
Michigan Department of Corrections 2/28/17

 3/2/2017
Debra Hess, Chief Executive Officer
Van Buren Community Mental Health

 3/2/17
Nikki VanSandt, SUD Service Director
Van Buren Community Mental Health

 2/28/2017
Rachel Lindley, Specialty Courts Admin
Van Buren County Courts

Frank Hardester

From: Region5 Info <Region5-Info@courts.mi.gov>
Sent: Thursday, March 9, 2017 11:11 AM
To: Kathleen Brickley; Frank Hardester; Rachel Lindley
Cc: Region5 Info
Subject: Van Buren Order for the Establishment of a Driving While Impaired Treatment Court Program - Approved

Van Buren Order for the Establishment of a Driving While Impaired Treatment Court Program - Approved
C36 2017-02J
D07 2017-03J

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Jill Booth
Region V Administrator
P.O. Box 30048
Lansing, MI 48909
517-373-8679

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